

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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JONATHAN KING,

USDC SDNY
DOCUMENT
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DOC #: _____
DATE FILED: <u>8-31-11</u>

Plaintiff,

10 Civ. 9546 (PKC)(RLE)

-against-

ORDER ADOPTING REPORT  
AND RECOMMENDATION

C.O. SAUL, et. al.,

Defendants.

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P. KEVIN CASTEL, District Judge:

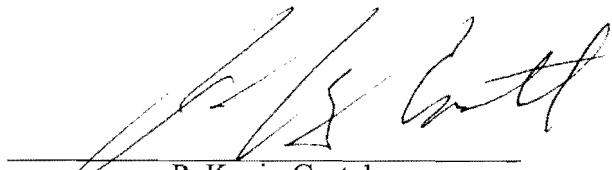
Plaintiff Jonathan King, proceeding *pro se*, filed his Complaint in this action on December 17, 2010. At the time plaintiff filed the Complaint he was incarcerated in the George Motchan Detention Center and listed the address of the facility as his address. This address is reflected on the docket sheet. On January 25, 2011, a Service Package was mailed to plaintiff at this address. On March 1, 2011, the Service Package was returned as undeliverable, as plaintiff had been released. Plaintiff has not filed a change of address with the Court or otherwise contacted the Court. Service has not been effected in the case. In light of plaintiff's failure to contact the Court, respond to court orders or serve any defendant, Magistrate Judge Ellis, to whom this case was referred for general pretrial services, issued a Report and Recommendation (the "R & R") entered on the docket on July 18, 2011, recommending that the case be dismissed without prejudice for failure to prosecute.

The R & R advised the plaintiff that he had fourteen days from service of the R & R to file any objections, and warned that failure to timely file such objections would result in waiver of any right to object. As of the date of this Order, no objections have been filed and no request for an extension of time to object has been made. The R & R expressly called plaintiff's attention to Rule

72(b), Fed. R. Civ. P., and 28 U.S.C. § 636(b)(1). Plaintiff received clear notice of the consequences of the failure to object and has waived the right to object to the R & R or obtain appellate review. See Frank v. Johnson, 968 F.2d 298, 300 (2d Cir. 1992), *cert. denied*, 506 U.S. 1038 (1992); see also Caidor v. Onondaga Cnty., 517 F.3d 601, 604 (2d Cir. 2008).

The R & R is adopted and the action is DISMISSED without prejudice. The Clerk is directed to enter judgment for the defendants.

SO ORDERED.



P. Kevin Castel  
United States District Judge

Dated: New York, New York  
August 31, 2011